



General Assembly

January Session, 2009

Raised Bill No. 454

LCO No. 2409

02409_____AGE

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-521a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) The Department of Public Health shall, whenever possible,
4 conduct dual inspections of chronic and convalescent nursing homes
5 or rest homes with nursing supervision when an inspection of such a
6 facility is necessary for the purpose of the facility's maintaining state
7 licensure and certification for participation in the Title XIX Medicaid
8 program or the Title XVIII Medicare program, provided such dual
9 inspections shall be conducted in not less than [fifty per cent of such
10 facilities. On and after January 1, 1993, the department shall conduct
11 such dual inspections in not less than] seventy per cent of such
12 facilities. [On and after June 3, 2003, such] Such dual inspections shall
13 not be disclosed to such facility before such inspection and shall be
14 conducted on a random basis, as to date and time of day.

15 (b) Prior to any inspection of a chronic and convalescent nursing
16 home or a rest home with nursing supervision conducted under

17 subsection (a) of this section, the department shall calculate the annual
18 number of working hours for all registered nurses, licensed practical
19 nurses and nurse's aides staffing such facility and the total resident
20 days for such facility based on the most recent report to the
21 Commissioner of Social Services pursuant to section 17b-340. The
22 department shall use such information to calculate an average daily
23 staff-to-resident ratio for such facility. The department shall compare
24 such ratio to the actual nursing staff levels of such facility during such
25 inspection.

26 (c) At the time of any inspection of a chronic and convalescent
27 nursing home or a rest home with nursing supervision conducted
28 under subsection (a) of this section, the department shall assess
29 residents' care needs to ensure that sufficient numbers and levels of
30 nurses licensed under chapter 378 and nurse's aides are provided by
31 such facility to meet required residents' care needs. Such assessment
32 shall be based on the 1995 and 1997 Staff Time Measurement (STM)
33 Studies, published by the federal Centers for Medicare and Medicaid
34 Services, that determine the nursing minutes needed to care for each
35 resident as ranked in the Resource Utilization Group-III, resident
36 classification system, provided the department shall update the basis
37 of such assessment upon the publication of the 2008 Staff Time and
38 Resource Intensity Verification (STRIVE) Project, or any subsequent
39 version of the federal staff time measurement study or any subsequent
40 reclassification of such resource utilization group. In making such
41 assessment of residents' care needs, the department shall use the data
42 results of the last full resident assessment of such facility as required
43 by the federal Centers for Medicare and Medicaid Services Minimum
44 Data Set. The department shall compare the total number of care hours
45 required by the category scores for such resource utilization group to
46 the amount of care actually provided by such licensed nurses and
47 nurse's aides at such facility. If such total number of care hours
48 actually provided is less than such number of care hours required by
49 the Resource Utilization Group-III, the department shall review the
50 methodology used by such facility to determine the number,

51 experience and qualifications of nursing personnel necessary to meet
52 residents' care needs.

53 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) As used in this section, (1)
54 "direct care" means hands-on-care provided to residents of nursing
55 home facilities, including, but not limited to, feeding, bathing,
56 toileting, dressing, lifting and moving such residents, but does not
57 include food preparation, housekeeping or laundry services, except
58 when such services are required to meet the needs of any such resident
59 on an individual situational basis. Direct care shall not include care
60 provided by paid feeding assistants, as defined in 42 CFR 488.301; and
61 (2) "nursing home facility" means a chronic and convalescent nursing
62 home or rest home with nursing supervision; and (3) "licensed nurse"
63 means a person licensed under chapter 378 of the general statutes, as a
64 registered nurse, advanced practice registered nurse or a licensed
65 practical nurse.

66 (b) On and after January 1, 2010, each nursing home facility shall
67 maintain aggregate licensed nurse and nurse's aide staffing levels at or
68 above the following standards:

69 (1) Over a twenty-four-hour period, such facility shall provide not
70 less than 2.32 hours of direct care and services per resident given by
71 nurse's aides;

72 (2) Over a twenty-four-hour period, such facility shall provide not
73 less than 1.18 hours of direct care and services per resident by licensed
74 nurses.

75 (c) The director of nurses for any nursing home facility with a
76 licensed bed capacity of sixty-one or greater shall not be included in
77 meeting the requirements for direct care and services given by licensed
78 nurses pursuant to subdivision (2) of subsection (b) of this section. Any
79 such facility with a licensed bed capacity of one hundred twenty-one
80 or greater shall employ a full-time assistant director of nurses who
81 shall not be included in meeting the requirements for direct care and

82 services given by licensed nurses pursuant to subdivision (2) of
83 subsection (b) of this section.

84 (d) Any nursing home facility that fails to comply with the
85 minimum staffing requirements of subsection (b) of this section on any
86 day shall submit a report to the Department of Public Health,
87 identifying the day on which and the shift during which such
88 noncompliance occurred and specifying the reasons for and
89 circumstances surrounding such noncompliance. The report required
90 by this subsection shall be submitted on a quarterly basis. If such
91 facility fails to submit any report required by this subsection or
92 intentionally misrepresents the information contained in any such
93 report, or if the Commissioner of Public Health determines that there is
94 sufficient evidence to support a finding that there exists a pattern of
95 noncompliance by such facility with the minimum staffing
96 requirements of subsection (b) of this section, the commissioner shall
97 take action against such facility authorized under section 19a-524 of
98 the general statutes or any other provision of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	19a-521a
Sec. 2	<i>July 1, 2009</i>	New section

Statement of Purpose:

To improve the quality of care for nursing home residents by increasing staffing levels.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]